



**MEMORANDUM**

To: Common Council

From: Greg Keil, CDD *Greg*

Date: June 9, 2009

RE: Graffiti Ordinance Administration

The attached Menasha Ordinance 11-7-4(p) relating to graffiti provides for administration of portions of the ordinance by the "Director of Community Development or his/her designee". I am hereby designating Code Enforcement Officer Polzien to act in that capacity. This will streamline the process for removing graffiti from properties that have been vandalized in this manner as the police department is already engaged in documenting graffiti violations. Chief Stanke and Officer Polzien are agreeable to Officer Polzien having an expanded role in the enforcement of graffiti violations.

accomplished, or which do not conform to the permit.

- (l) **OPEN EXCAVATIONS.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **ABANDONED REFRIGERATORS.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **FLAMMABLE LIQUIDS.** Repeated or continuous violations of the Ordinances of the City or laws of the State relating to the storage of flammable liquids.
- (o) **UNREMOVED SNOW.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.
- (p) **GRAFFITI.**
  - (1) Graffiti is described as any inscription, word, figure, or design marked, etched, scratched, drawn or painted with spray paint, liquid paint, ink, chalk, dye, or other similar substances on buildings, fences, structures, and other similar places without the express permission of the owner or operator of the property.
  - (2) Every owner or occupant of a structure or property defaced by graffiti shall notify the police department of the graffiti before removing or covering the graffiti.
  - (3) Every owner of a structure or property defaced by graffiti shall comply with the terms of a written order of the Director of Community Development or his/her designee served personally as specified in Sec. 801.10 and 801.11, Wisconsin Statutes.
  - (4) In the event any owner or occupant fails to comply with the order specified in sec. 11-7-4(p)(3), the City shall have the graffiti covered or removed and all costs, fees and expenses will be deemed a special charge pursuant to sec. 3-2-12 and placed on such owners' real estate taxes if not paid.
  - (5) Any owner or occupant served an order under sec. 11-7-4(p)(3) may petition the Common Council for relief of such order. Such petition must be in writing and filed not more than thirty days from the date of service. The Administration Committee shall hold a hearing on such petition and enter any appropriate order. The aggrieved party may be represented at such hearing. Testimony is not required to substantiate the existence of the graffiti. The issues shall be limited to the appropriateness of the order of the Director of Community Development.
  - (6) This ordinance shall not apply to hopscotch grids or such other generally accepted game configurations which are placed on parking lots, sidewalks, streets, or other similar areas in chalk or other washable substance.

#### **SEC. 11-7-5 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.**

The following acts, omissions, places, conditions and things are public nuisances offending public morals and decency, but such enumeration shall not exclude other nuisances offending public morals and decency defined elsewhere in the Menasha City Code:

- (1) Disorderly Houses. All disorderly houses, bawdy houses, houses of ill fame, gambling sexual intercourse or gambling.
- (2) Gambling Houses. All gambling devices and slot machines.
- (3) Unlicensed Sales of Liquor and Fermented Malt Beverages. All Places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by City ordinances.
- (4) Continuous Violation of City Ordinances. Any place or premises within the City where City ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) Illegal Drinking. Any place or premises resorted to for drinking intoxicating liquor or